

# An Act

ENROLLED SENATE  
BILL NO. 291

By: Murdock, Boren, and Garvin  
of the Senate

and

Newton of the House

An Act relating to victim protective orders; amending 22 O.S. 2021, Section 60.2, as amended by Section 6, Chapter 318, O.S.L. 2022 (22 O.S. Supp. 2022, Section 60.2), which relates to petition; modifying eligibility for filing petition for emergency protective order; and providing an effective date.

SUBJECT: Victim protective orders

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 2021, Section 60.2, as amended by Section 6, Chapter 318, O.S.L. 2022 (22 O.S. Supp. 2022, Section 60.2), is amended to read as follows:

Section 60.2. A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, any minor age sixteen (16) or seventeen (17) years, or any adult victim of a crime may seek relief under the provisions of the Protection from Domestic Abuse Act.

1. The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred. If the person seeking relief is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the

person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of this section. The filing of a petition for a protective order shall not require jurisdiction or venue of the criminal offense if either the plaintiff or defendant resides in the county. If a petition has been filed in an action for divorce or separate maintenance and either party to the action files a petition for a protective order in the same county where the action for divorce or separate maintenance is filed, the petition for the protective order may be heard by the court hearing the divorce or separate maintenance action if:

- a. there is no established protective order docket in such court, or
- b. the court finds that, in the interest of judicial economy, both actions may be heard together; provided, however, the petition for a protective order, including, but not limited to, a petition in which children are named as petitioners, shall remain a separate action and a separate order shall be entered in the protective order action. Protective orders may be dismissed in favor of restraining orders in the divorce or separate maintenance action if the court specifically finds, upon hearing, that such dismissal is in the best interests of the parties and does not compromise the safety of any petitioner.

If the defendant is a minor child, the petition shall be filed with the court having jurisdiction over juvenile matters.

2. When the abuse occurs when the court is not open for business, such person may request an emergency temporary order of protection as authorized by Section 40.3 of this title.

B. The petition forms shall be provided by the clerk of the court. The Administrative Office of the Courts shall develop a standard form for the petition.

C. 1. Except as otherwise provided by this section, no filing fee, service of process fee, attorney fees or any other fee or costs shall be charged the plaintiff or victim at any time for filing a petition for a protective order whether a protective order is granted or not granted. The court may assess court costs, service of process fees, attorney fees, other fees and filing fees against the defendant at the hearing on the petition, if a protective order is granted against the defendant; provided, the court shall have authority to waive the costs and fees if the court finds that the party does not have the ability to pay the costs and fees.

2. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.

D. The person seeking relief shall prepare the petition or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, and court case manager shall prepare or assist the plaintiff in preparing the petition.

E. The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner, defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant to make no contact with the animal and forbid the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

F. A court may not require the victim to seek legal sanctions against the defendant including, but not limited to, divorce, separation, paternity or criminal proceedings prior to hearing a petition for protective order.

G. A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, child abuse, or member of the immediate family of a victim of first-degree

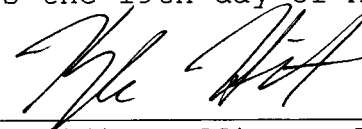
murder, as such terms are defined in Section 40 of this title, may petition, or have a petition filed on the victim's behalf if the victim is a minor, for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario pursuant to the provisions of this section. The Administrative Office of the Courts shall modify the petition forms as necessary to effectuate the provisions of this subsection.

SECTION 2. This act shall become effective November 1, 2023.

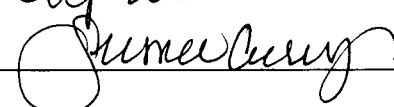
Passed the Senate the 20th day of February, 2023.

  
\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

  
\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

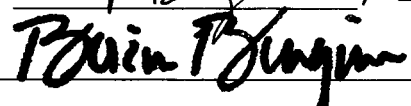
OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20<sup>th</sup>  
day of April, 20 23, at 12:56 o'clock p. M.  
By: 

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26<sup>th</sup>  
day of May, 20 23, at 4:14 o'clock p. M.  
By: 

MESSAGE FROM THE  
OKLAHOMA STATE SENATE

5/26/2023

TO THE SECRETARY OF STATE

I am directed to inform you that the Senate has adopted the following and ordered same transmitted to you herewith:

Transmitting Enrolled **SB 291**, and advising that under the provisions of Article VI, Section 11 of the Constitution of the State of Oklahoma, the Senate and the House of Representatives has reconsidered and passed said Bill, over the Governor's Veto, by a two-thirds vote of each House.

By order of the Senate of the State of Oklahoma, this message is sent:

Respectfully,

**PAUL ZIRIAX**

\_\_\_\_\_  
Secretary, Oklahoma State Senate

Received by the Secretary of State

Date \_\_\_\_\_

**RECEIVED**

**MAY 26 2023**

By \_\_\_\_\_

**OKLAHOMA SECRETARY  
OF STATE**

7

15:08:00

4:14 pm



OFFICE OF

No. SB 291

**THE GOVERNOR**  
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA.

April 26, 2023

TIME SIGNED: 8:14pm

TO THE HONORABLE PRESIDENT PRO TEMPORE  
AND MEMBERS OF THE OKLAHOMA SENATE  
FIRST REGULAR SESSION OF THE  
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 291:

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution,  
I have vetoed Enrolled Senate Bill 291.

Oklahomans elected me to advocate on their behalf and fight for the taxpayer. I take this responsibility seriously and so I cannot, in good faith, allow another year to go by without cutting taxes and reforming education, both of which we can absolutely afford with our \$1.2 billion surplus and over \$6 billion in savings. Therefore, until the people of Oklahoma have a tax cut, until every teacher in the state gets the pay raise they deserve, until parents get a tax credit to send their child to the school of their choice, I am vetoing this unrelated policy and will continue to veto any and all legislation authored by Senators who have not stood with the people of Oklahoma and supported this plan.

For these reasons, I have vetoed Enrolled Senate Bill 291.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Delivered to SENATE by: Sumner

Date/Time: 4/26/23; 8:43pm

SENATE:

By: Jason Valentin

Date/Time: 4/26/23; 8:45pm

**RECEIVED**

APR 26 2023

OKLAHOMA SECRETARY  
OF STATE

@ 8:56 PM